

# EXHIBIT 31

BPD 1288

Segment 1

00:32 to 00:38

(See enclosed DVD)

# EXHIBIT 32

BPD 1288

Segment 2

00:38 to 00:49

(See enclosed DVD)

# EXHIBIT 33

BPD 1288

Segment 4

15:13 to 15:25

(See enclosed DVD)

# EXHIBIT 34

# August 24, 2004 Board Mtg Speaker List Public Comments

1	Mona Dobrick	R	A	
2	Alex Dobrick	R	A	
3	Janice Parker	R	F	
4	Linda Adkins	R	F	
5	Austy Baker	R	F	
6	Peggy Trott	R	F	
7	Gary Knapp	R	F	
8	Bill Beckett	R	F	
9	Mary Sue Drugash	R	A	
10	Stephanie Haygood	R	F	
11	Shonda Turner	R	A	
12	Arinthia Peacock		F	
13	Wescenia Wise	R	F	
14	Judy Smith	R	F	
15	Gloria Hardy	R	F	
16	John Atkins - Gerald Hocker			- Ben Ewing <sup>FF</sup> R
17	Eddie J. Aiden	R	F	
18	George Garrish	R	F	
19	Fredrick Paule	R	F	
20	Lair Parker	R	F	_____ 1/2
21	Narold Carmon	R	F	
22	Tambara Stewart	R	F	Rev.
23	Valerie Hardy	R	F	
24	Genevieve Worley	R	F	
25	Patricia Benton	R	F	
26	Donny R. Tice	R	F	Pastor
27	Claine Mahon	R	F	
28	Ronald Kirk			Arund Antioch R

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29	Charles Mumford	F	F
30	Drew Zensell	ACLU	A
31	Carish Mitchell	R	F
32	Jessica Endicott	R	F
33	Earl Johnson	R	F
34	Carol Sweeney - Bethel United Methodist	F	R
35	Bishop Miffelen	R	F
36	Kim Tephebeck - Qu	R	F
37	Max Wolf	A	Rehabilit
38	John Steinbruck	A	James
39	Frank Infante	P	Imprison
40	Colin Waters	F	R

# EXHIBIT 35

# SUSSEX POST

Thursday, August 26, 2004

Serving the Heart of Sussex County

VOLUME 33, NO. 34

## At A Glance

### Car crash causes

### power outage

GEORGETOWN — Electricity in the Georgetown area was interrupted for several hours Aug. 18 as a result of a car crash on U.S. 9 west of town.

According to Cpl. Jeff Oldham of the Delaware State Police, a 1992 Oldsmobile driven by Kristy Joseph, 18, of Laurel, was eastbound on U.S. 9 and attempted to pass several vehicles.

Mr. Joseph apparently did not see that a 1993 Oldsmobile driven by Alan Johnson, 57, of Salisbury was slowing down to turn left onto Sussex 446. As Mr. Johnson turned, the left side of his vehicle was struck by the right side of Mr. Joseph's vehicle. Mr. Joseph's vehicle then traveled off the north edge of the roadway and struck a utility pole.

Cpl. Oldham said neither driver was injured in the crash. The utility pole was broken at its base and top.

Mr. Joseph was charged with improper passing within an intersection.

### Conley wins Big

### Mursley drawing

# Indian River prayer debated

## Supporters back board action

By Darrell Neale

Sussex Post

FRANKFORD — The answer was known before the meeting barely got started.

The several hundred people who crowded into the Frankford Elementary School cafeteria and gymnasium Tuesday night for the Indian River School District board

of education meeting found out quickly that a request by the American Civil Liberties Union to stop praying at meetings would not be honored.

Board President Harvey Walls called the meeting to order and then asked board member Dr. Donald C. Hatcher to read the board in a word of prayer.

Applause filled the cafeteria

and Mr. Walls asked that the crowd be respectful.

Dr. Hatcher then read a prayer given by George Washington during the Revolutionary War.

Mr. Walls told the gathering that each person who had signed up to speak would get two minutes.

"We have an enormous amount of other business with school opening in two weeks," he

### What do you think?

Do you have an opinion on this issue? Post your comment at news-blog.info/0512 or call Sound Off at 629-2050.

said.

The board had received a request from Drewry N. Fennell, executive director of the Delaware chapter of the ACLU, after she attended a school board meeting on July 27 and was surprised to learn it opened with prayer.

On Aug. 4, Ms. Fennell sent a letter to Mr. Walls asking the board to discontinue holding prayers and invocations at school events.

See 'Prayer' — Page 4

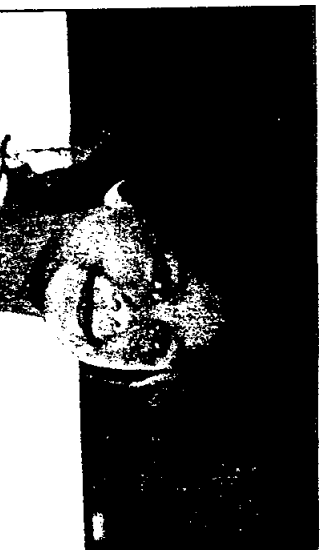
## Festival Hispanic: Latin heritage

## Cultural celebration flourishes

By Darrell Neale

Sussex Post

MILLSBORO — On a picture-perfect Sunday afternoon, thousands of people turned out at the



## Series elates organizers

## Games boost area economy

By Darrell Neale

Sussex Post

ROXANA — Except for some immunity where the teams were lodged. Organizers will try to put the teams closer together to help solve some of the trans-

## Prayer

Continued From Page 1

The board opened Tuesday's meeting with prayer, but also had the first reading of a policy concerning school prayer at baccalaureate and commencement ceremonies. The policy states that student-initiated, student-delivered, voluntary messages may be permitted during graduation ceremonies.

Among the many who came to speak were Rep. John C. Atkins, R-Millsboro, Rep. Gerald W. Hocker, R-Ocean View, and Rep. J. Benjamin Ewing, R-Bridgetown. Rep. Atkins read a letter from the three and said it was also endorsed by Rep. Joseph W. Booth, R-Georgetown, and Rep. Clifford G. "Biff" Lee, R-Laurel.

"One of the keys to greatness as a nation has been our acknowledgment of God's blessings," said Rep. Atkins. "The Constitution prohibits an official, state-sponsored religion."

Rep. Hocker's words to the board were even stronger. "You have the public behind you," he said. "If you do not do the right thing, the public will take you out, not the ACLU."

Mona Dobrich of George-

town, who filed the first complaint about graduation, said she had a simple and heartfelt request. "I have been accused of being an outsider and a trouble-maker," she said.

She said the matter had been mislabeled by the administration and school board. "You have let this issue ignite a community," Ms. Dobrich said. "The board has spread hatred in the name of religion."

Rhonda Turnan of Georgetown said she felt like she had gone back 50 years. "The teachers don't do prayers in school," Ms. Turnan said. "Why do you want to offend people?" She also accused the board of mishandling the request. "Why do you perpetuate the

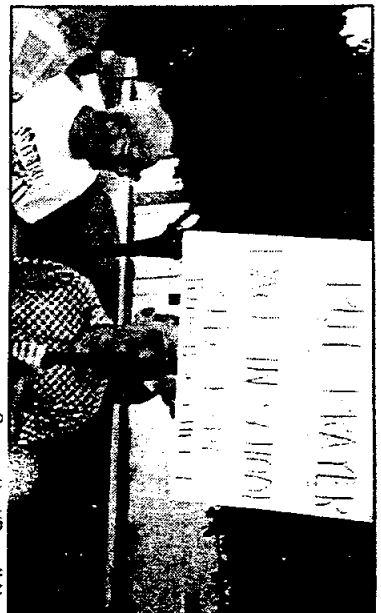
mob behavior?" she asked. "You chose to insult Mrs. Dobrich." Ms. Fennell told the board she had heard on the radio that she was being welcomed into hostile territory. "The Constitution," she said, "has two principles — the exercise of free religion, such as I saw when people were praying in the parking lot when I arrived."

She said if the state police had attempted to stop those prayers, she would defend that right. "But it is a different matter when it is state-sponsored prayer," Ms. Fennell said. She explained that the government must never impose its religious beliefs. Following her two minutes, she was greeted with boos and catcalls.

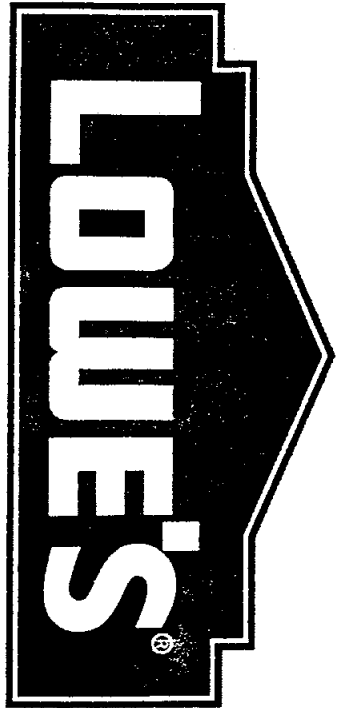
Pastor Danny Tice of Bayshore Community Church brought a light moment to the event and probably summed up the feelings of school board members when he quoted Garrison Keillor.

"A school board member is someone willing to sit still for very little pay and be struck by lightning," he said. Rodney Hudson of Millsboro said he would support the board in having prayer. "Don't give up," he said. "Say the prayer the way you want instead of a generic prayer to make everybody happy."

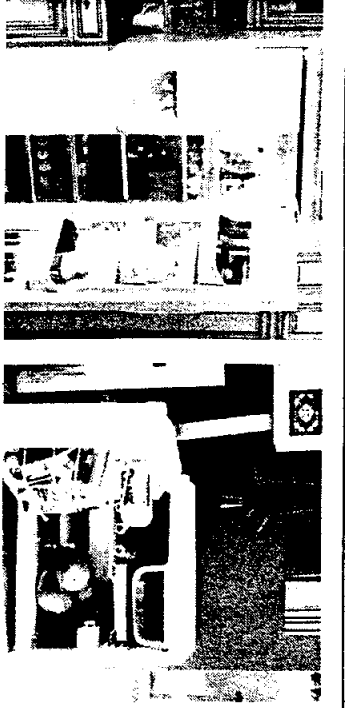
Post comments on this issue at news blog info/04/09. Staff writer Darrell Neale can be reached at 629-5505 or dneale@newszap.com



Sussex Post/Darrell Neale Chris Rust, right, of Georgetown holds up a sign while speaking with Gilbert Shane, also of Georgetown. The two attended the Indian River School District board of education meeting Tuesday to show their support of prayer at school events and meetings.



Improving Home Improvement®

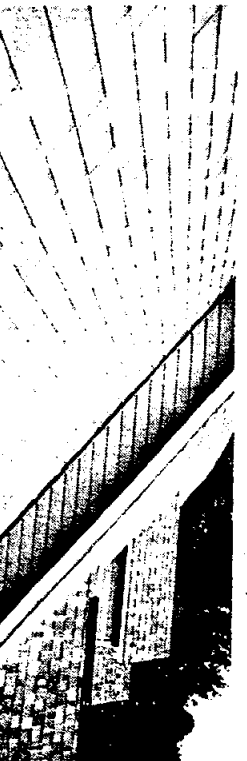


Values  
Hurry. Today through

\$50

rebate with \$299 purchase of Owens Corning Shingles.

Via mail-in rebate. See store for details. EXCLUDES 20-year and accessories.



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The Sussex Post, August 26, 200

# EXHIBIT 36

This is a printer friendly version of an article from [delmarvanow.com](http://delmarvanow.com)  
To print this article open the file menu and choose Print.

[Back](#)

Article published Aug 25, 2004

## **Sussex school board continues prayer**

### **800 residents gather to hear Indian River's response to ACLU lawsuit threat**

**By Molly Murray**  
**The News Journal**

FRANKFORD -- After the meeting was called to order Tuesday night and the roll call taken, the Indian River School Board opened with a prayer.

The prayer, delivered by board member Dr. David G. Hattier, was a historic one.

The American Civil Liberties Union has threatened to sue the board if it did not discontinue holding prayers at meetings and before commencement exercises.

Drewry N. Fennell, executive director of the Delaware ACLU, told the board Tuesday that there is a difference between the constitutional right of individuals to pray -- a right "I will defend ... until I'm dead" -- and prayers offered in an official capacity.

"It is a different matter when we talk about government-sponsored prayer," she said. She did not discuss the potential lawsuit.

Still, a majority of the roughly 800 residents who came to the meeting supported the board's decision to open with prayer and continue the practice at commencement.

At times the meeting took on the air of a church revival as people fanned themselves with the paper agendas and shouted out "Amen" or "Praise Jesus" after scripture passages were quoted during the public comment period.

There were signs that read: "Jesus is the Light of the Word" and "Let Us Pray, God is Listening."

The meeting was so well-attended that the crowd at Frankford Elementary School was divided into two rooms. The board met in the cafeteria along with several hundred spectators. Several hundred more watched and listened on a big screen in the nearby auditorium.

Local churches and community members organized a prayer vigil before the meeting, and cars heading to the event caused a traffic jam in Frankford.

"I was amazed as I came through Frankford, said the Rev. Danny Tice, pastor of Bayshore Community Church in Gumboro.

Tice commended the board and quoted radio personality Garrison Keillor's opinion that school board members have a tough job.

"A school board is people who are paid a pittance to sit still and be struck by lightning," he said, quoting Keillor.

The board was not alone, however.

The Rutherford Institute, a Virginia-based Civil Rights organization that provides free legal services to people who claim their constitutional rights have been violated, has offered to defend the board.

"It's time to draw a line in the sand," said John W. Whitehead, president of the institute. "It is my hope the Indian River School Board will choose to set an example for its students and members of its community."

District resident Harold Carmean said the board made the right decision Tuesday.

"I commend this board for agreeing to have prayer this evening."

More than 30 people spoke in support of the board's decision, and several suggested they should not be intimidated by threats of a lawsuit. Others questioned how the board got itself into the situation.

The controversy began in June after the graduation exercises at Sussex Central High School.

A local pastor gave the commencement prayer and used the name of Jesus as part of the prayer.

Mona Dobrich, who is Jewish and attended the commencement for her daughter's graduation, questioned the use of a Christian prayer at a secular graduation.

She said she expected the board quietly deal with the complaint.

"What is left to say?" she asked the board Tuesday. "I have been accused of being an outsider, an instigator and a trouble maker."

Dobrich said as the debate on the issues had grown, it has "spread hatred in the name of religion."

Her son, Alex, read aloud his letter to the board.

"I feel bad when kids in my class call me 'Jew Boy,'" he wrote. "Just be nice to each other. ... People can pray at home or in their head. That's what I do."

While several other speakers said they were upset that Alex Dobrich had been picked on because of his religious beliefs, they suggested there was nothing wrong with prayer at a school board meeting or a graduation exercise.

Tamara Stewart, of Millsboro, said a non-specific prayer wasn't good enough.

"There's no such thing as a generic prayer," she said.

Stewart present the board with a petition signed by 320 people who want to see prayer continued at graduation.

Hattier borrowed a prayer that was first delivered by Gen. George Washington on June 14, 1783, and which did not mention Jesus.

Contact Molly Murray of The News Journal at 302-856-7372 or [mmurray@delawareonline.com](mailto:mmurray@delawareonline.com).

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# EXHIBIT 37



BPD 1288

Segment 7

01:19 to 01:41

(See enclosed DVD)

# EXHIBIT 38

[For Release to the General Public  
Proposed School Board Prayer Resolution dated 8/30/04  
Prepared by The Rutherford Institute, tel. 434.978.3888, and  
The Neuberger Firm, tel. 302.655.0582]

LR. Bd. of Educ.  
Resolution  
First Reading, 9/ /04

### Policy on Prayer at Board Meetings

Whereas, this School Board is an elected legislative and deliberative public body composed of adults;

Whereas, this School Board has had a long established custom of solemnifying its proceedings by opening its meetings with a sectarian or non-sectarian prayer by one individual Board member as his or her conscience and religious tradition leads;

Whereas, our Country is in a War with terrorism which on September 11, 2001 took the innocent lives of thousands of our fellow citizens, united our Nation and also reminded many of us of the efficacy of prayer;

Whereas, in times of War our leaders have lead us in prayer. A few examples follow:

Our first President, George Washington, as he concluded his service as the Continental Army's Commander in Chief, on June 14, 1783, wrote to all the governors of the newly freed states urging them to join him in this prayer:

"Almighty God, We make our earnest prayer that Thou wilt keep the United States in Thy holy protection: that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government, and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large.

And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee *through Jesus Christ, Our Lord, Amen.*" (Emphasis added).

President Abraham Lincoln lamented during the days of the Civil War:

"We have been recipients of the choicest bounties of Heaven...but we have forgotten

God.... We have forgotten the gracious hand which preserved us in peace.... Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us."

President Franklin D. Roosevelt, at the moment of the greatest military invasion in history, D-Day (June 6, 1944), led the nation in praying:

"Almighty God, Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity. Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith."

Our current President George W. Bush, in the midst of America's war on terror, urged the Country to pray, stating:

"I ask our Nation to join me in praying for the strength to meet the challenges before us, for the wisdom to know and do what is right, for continued determination to work towards making our society a more compassionate and decent place, and for peace in the affairs of men." (A Proclamation, National Day of Prayer, May 1, 2003)

Whereas, a member of the American Civil Liberties Union attended one of our School Board meetings, was offended by a prayer which was said and which ended in the name of Jesus Christ, as did the above mentioned prayer by President George Washington, and the ACLU has threatened the Board and School District with a lawsuit if it does not abandon its custom;

Whereas, the School Board has obtained the legal advice of two competent and experienced constitutional attorneys, John W. Whitehead, Esquire and Thomas S. Neuberger, Esquire, that prayer to open Board meetings is constitutional in the United States Court of Appeals for the Third Circuit which includes Delaware, and legal counsel have identified the following legal authority in support of their legal opinion.

In Marsh v. Chambers, 463 U.S. 783 (1983), the United States Supreme Court held that prayer before sessions of legislative and other deliberative bodies does not violate the Establishment Clause of the First Amendment to the Constitution. The Court reasoned and stated that such prayer must not violate the Establishment Clause, noting that the practice pre-exists the First Amendment itself.

"The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom."

Id. at 786. The Court cited the practices of the First Congress as evidence of the Framers' understanding that prayer before meetings of legislative bodies did not violate the

Establishment Clause and also said:

“It can hardly be thought that in the same week Members of the First Congress voted to appoint and to pay a chaplain for each House and also voted to approve the draft of the First Amendment for submission to the states, they intended the Establishment Clause of the Amendment to forbid what they had just declared acceptable.”

Id. at 790. Thus, it is a settled principle that legislative and other deliberative bodies do not violate the Establishment Clause of the First Amendment by opening their meetings with a brief invocation.

It is the opinion of legal counsel that since the Indian River Board of Education is a public legislative and deliberative body it has the right to open its meetings with a prayer.

In support of assertions that a School Board member's prayer is unlawful, the ACLU can only rely upon the divided Sixth Circuit's opinion in Coles v. Cleveland Bd. of Educ., 171 F.3d 369 (6th Cir. 1999). However, the Sixth Circuit's 2-to-1 decision in Coles is, of course, not even binding precedent in Delaware, which is governed by the decisions of the Third Circuit Court of Appeals in Philadelphia. The Third Circuit has not addressed this question, and counsel are unaware of any court in the Third Circuit that has even cited to the Coles decision, much less any court that has indicated that it viewed the decision favorably. Furthermore, the fractured Coles decision has faced considerable criticism from legal scholars because it ignores the Supreme Court decision in Marsh. See, e.g., “Sixth Circuit Holds That Opening School Board Meetings with a Prayer Is an Establishment of Religion,” Harvard L. Rev. 1240 (March 2000) (majority in Coles “inappropriately attributed to school board meetings the same coercive context as the classroom and read too narrowly the permissible role of religious speech in solemnizing the lawmaking process”). So Marsh is still very good law which must be obeyed.

Contrary to the Sixth Circuit's dismissal of Marsh as an “historical aberration,” Coles, 171 F.3d at 383, the Supreme Court itself has regularly recognized the continuing vitality of Marsh v. Chambers in the legislative arena. See, e.g. County of Allegheny v. ACLU, 492 U.S. 573, 603 (1989) (discussing the scope of Marsh); Lee v. Weisman, 505 U.S. 577, 596-97 (1992) (noting the inherent differences between the forced attendance of students at a high school graduation and the voluntary attendance of adults at legislative sessions).

Furthermore, a majority of the federal Courts of Appeals that have addressed the matter have followed the Supreme Court's command and squarely held that prayer by legislative and other deliberative bodies does not violate the Establishment Clause. For example, in Snyder v. Murray City Corp., 159 F.3d 1227 (10<sup>th</sup> Cir 1998), the Tenth Circuit Court of Appeals held that invitational prayers at a city council meeting fell squarely under Marsh and that such “‘legislative prayer’ does not violate the Establishment Clause.” Id. at 1233. Likewise, just this past summer, the Fourth Circuit Court of Appeals held that a town council may “invoke Divine guidance for itself before engaging in public business.” Wynne v. Town of Great Falls, S.C., 376 F.3d 292, 298 (4<sup>th</sup> Cir. 2004). And more than a

quarter century earlier, the Eighth Circuit Court of Appeals held that prayer by a clergyman before a county board meeting helps set "a solemn tone for the transaction of government business and assists towards the maintenance of order and decorum." Bogen v. Doty, 598 F.2d 1110, 1115 (8<sup>th</sup> Cir. 1979).

Moreover, even before the Supreme Court's decision in Marsh, at least three State Supreme Courts had decided that prayer by deliberative bodies did not run afoul of the Establishment Clause. See Marsa v. Wernik, 430 A.2d 888 (N.J. 1981) (prayer at borough council meetings by council members); Colo v. Treasurer and Receiver General, 392 N.E.2d 1195 (Mass. 1979) (prayer by chaplains in state legislature); Lincoln v. Page, 241 A.2d 799 (N.H. 1968) (prayer by clergy at town meetings).

So in reality it is the divided Coles decision which is the aberration and not these six courts of appeals. Additionally, Coles was decided before the recent landmark decision by the U.S. Supreme Court in Good News Club v. Milford Central School, 533 U.S. 98 (2001), which laid to rest the legally incorrect notion that just because religious activity takes place upon public school grounds it is a violation of the Establishment Clause. The Supreme Court there also criticized lower courts which take the simplistic position that mere geography determines whether voluntary prayer is constitutional.

Thus, it is the opinion of legal counsel that the Supreme Court's decision in Marsh v. Chambers, which unlike the Coles decision is binding precedent in Delaware, compels the conclusion that the Indian River School District's tradition of opening its meetings with a brief invocation is constitutionally permissible.

Accordingly, the Board hereby adopts the following written policy and it Resolves that -

1. In order to solemnify School Board proceedings, it is the policy of the Board to open its meetings with a prayer or a moment of silence, all in accord with the freedom of conscience of the individual adult Board member.
2. On a rotating basis one individual adult Board member per meeting will be given the opportunity to offer a prayer or moment of silence. If the member chooses not to exercise this opportunity, the next member in rotation shall have the opportunity.
3. Such opportunity shall not used or exploited to proselytize, advance or convert anyone or to derogate or otherwise disparage any particular faith or belief.
4. Such prayer is voluntary and it is just among the adult members of the Board. No school employee, student in attendance or member of the community in attendance shall be required to participate in any such prayer or moment of silence.
5. Any such prayers may be sectarian or non-sectarian, denominational or non-denominational, in the name of a Supreme Being, Jehovah, Jesus Christ, Buddha, Allah, or any other person or entity, all in accord with the freedom of conscience, speech and

religion of the individual Board member, and his or her particular religious heritage.

Indian River\Public Proposed Board Prayer Resolution August 30, 2004.

# EXHIBIT 39



BDA.1

#### BOARD PRAYER AT REGULAR BOARD MEETINGS

1. In order to solemnify its proceedings, the Board of Education may choose to open its meetings with a prayer or moment of silence, all in accord with the freedom of conscience of the individual adult Board member.
2. On a rotating basis one individual adult Board member per meeting will be given the opportunity to offer a prayer or request a moment of silence. If the member chooses not to exercise this opportunity, the next member in rotation shall have the opportunity.
3. Such opportunity shall not be used or exploited to proselytize, advance or convert anyone, or to derogate or otherwise disparage any particular faith or belief.
4. Such prayer is voluntary, and it is among only the adult members of the Board. No school employee, student in attendance, or member of the community in attendance shall be required to participate in any such prayer or moment of silence.
5. Any such prayers may be sectarian or non-sectarian, denominational or non-denominational, in the name of a Supreme Being, Jehovah, Jesus Christ, Buddha, Allah, or any other person or entity, all in accord with the freedom of conscience, speech and religion of the individual Board member, and his or her particular religious heritage.

Adopted 10/19/04

**BPD 000491**

# EXHIBIT 40

INDIAN RIVER SCHOOL DISTRICT  
BOARD OF EDUCATION REGULAR MEETING  
TUESDAY, APRIL 26, 2005 – 6:30 P.M.  
FRANKFORD ELEMENTARY SCHOOL CAFETERIA

MIINUTES

CALL TO ORDER

President Harvey L. Walls called the Executive Session of the Indian River School District Board of Education to order at 6:30 p.m.

ROLL CALL

Board Members Present: Charles M Bireley, (Mrs.) Nina Lou Bunting, Richard H. Cohee, John M. Evans, Donald G. Hattier, Reginald L. Helms, (Mrs.) Elaine McCabe, Harvey L. Walls

Board Members Absent: Gregory A. Hastings, Mark A. Isaacs

APPROVAL OF AGENDA - Regular and Executive – April 26, 2005

It was moved by Dr. Hattier, seconded by Mr. Evans, to approve the Regular Agenda and the Executive Session Agenda. The motion passed unanimously (8-0).

EXECUTIVE SESSION (6:30 – 7:20 p.m.)

It was moved by Mr. Helms, seconded by Dr. Hattier, to go into Executive Session at 6:32 p.m. The motion passed unanimously (8-0).

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.

RECONVENE (7:30 p.m.)

It was moved by Mr. Evans, seconded by Dr. Hattier, to reconvene in Regular Session at 7:30 p.m. The motion passed unanimously (8-0).

PRESENTATION OF COLORS

The Indian River High School Marine JROTC performed the Presentation of Colors.

President Walls noted that it is the history of the Board to have a prayer at the beginning of the meeting, which is voluntary among the members of the Board of Education and the audience is not required to participate. President Walls then asked Mrs. Bunting to share an invocation. Mrs. Bunting asked that the Board members join her in a moment of silence.

BOARD OF EDUCATION REGULAR MEETING MINUTES

April 26, 2005

Page 2

APPROVAL OF MINUTES

Board of Education Special Meeting Minutes – March 15, 2005

Board of Education Regular Meeting Minutes – March 22, 2005

Board of Education Special Meeting Minutes – April 5, 2005

It was moved by Mrs. McCabe, seconded by Mrs. Bunting, to approve the minutes as submitted. The motion passed unanimously (8-0).

VISITORS AND STAFF IN ATTENDANCE

President Walls and Ms. Hobbs recognized and presented certificates to the following for their accomplishments:

2005 Odyssey of the Mind Team Winners

“In Your Dreams”

Elementary Coach – Lisa Forney

Co-coach – Bryna Groveston

Joseph Garvilla, Drew Stewart, Kyle Marvel, G. Jay Christian

Cameron Dukes, Elaina Layell, Kourtney Bastianelli, Emily Southmayd

Rebecca Southmayd

“Laugh-a-Thon”

Middle School Coach – Lynne Southmayd

Co-Coach – Stephanie Hughes

Rachel Southmayd, Julie Hughes, Taylor Hudson

Michelle Norton, Alex Roenke

“Stunt Mobiles”

High School Coach – Kathy Roach

Karalyn Roach, Erica Evans, Alison Evans, Keili Marvel

Marlena Schleifer, Mark Hayden, Brandon Emmertz

“Get the Message”

High School Coach – Michael Proudfoot

Tiffany Burton, Colin McIlvaine, Brittany Proudfoot

Caitlin Proudfoot, Laura Walter, Maegan Wren, Julia Knopf

JROTC State Champion Color Guard – Indian River High School

Coaches: Frank Ryman and Mark Sewell

C. J. Mullikin (Commander)

James Pyle

Trenton Jones

James Melson

JROTC State Champion Shooting Team – Indian River High School

Scott Stevenson

Tracey Truitt

Erin Wood

Brandon Smith

BPD 000290

BOARD OF EDUCATION REGULAR MEETING MINUTES

April 26, 2005

Page 3

State Wrestling Champions – Indian River High School

Andy Bokinsky

D. J. Singleterry

Business Professionals of America State Historian

Kara Roach (IR)

Science Olympiad First Place State Winners

Hail Bennett (IR)

Kathryn Riley (IR)

Future Farmers of America First Place State Winners – Dairy Products

Coach: Jennifer Cordrey (IR)

Kaylynn Gland (IR)

Whitney Bowden (IR)

Erin Sagers (IR)

Reed Carter (IR)

Future Farmers of America First Place State Winners – Ag Sales

Coach: Kevin Cordrey

Tim Callahan (IR)

Jamie Basara (IR)

Jamie Ennis (IR)

Haley Davis (IR)

Academic All-State Wrestling Team – Indian River High School

Andy Bokinsky – First Team

D. J. Singleterry – First Team

Brad Tephabock – Second Team

Perry Townsend – Second Team

P. J. Barch – Honorable Mention

Julie Butters – Honorable Mention

Graham Esender – Honorable Mention

Nate Kortvelesy – Honorable Mention

Robert Mitchell – Honorable Mention

Luke Saylor – Honorable Mention

2005 Magna Awards – Honorable Mention

Ingram Pond Outdoor Education Center

HP Technology for Teaching Grant

Jane Mahoney (CM)

OTHER VISITORS AND STAFF IN ATTENDANCE

Lois Hobbs, Earl Savage, Janet Hearn, Jay Headman, Patrick Miller, Michael Owens, Susan Bunting, Charles Hudson, Carmen Deldeo, David Maull, Cathy Miller, John Mitchell, Greg Weer, Brice Reed, Jacque Wisnauskas, Donna Hall, Char Hopkins, Ivan Neal, Sharon Brittingham, Duncan Smith, Mike Kline, Janet Hickman, Tim Fannin, Mike Williams, Mary Bixler, Vince Catania, Lori Ann White, Darlene Johnson, Frank Ryman, Gary Layfield, Judy Baker, Emily Pettyjohn, Leah Bokinsky, Elaine Tingle, Kareia Clausen, Lee Murray, Diana Layfield, Janice Marvel, Adele Jones, June Taylor, Brandon Smith, Molly Murray, Jamie Gorlich, Patti Bunting, Tammy Sterg, Wilt Sterg, Melissa Brise, Michel Baker, Lisa Smith, Rosalie Sutton, Rhonda Morgan, Maureen Nicholson,

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VISITORS AND STAFF IN ATTENDANCE (Continued)

Kelly Dorman, Jane Scheftner, Annette Hoffman, Connie Pryor, Denise Snyder, Susan Hopper, Lauren Ghabour, Heather Radish, Barbara McIlvaine, Elizabeth Walter, Doug McIlvaine, Colin McIlvaine, Laura Walter, Tiffany Burton, Tami Mitchell, James Bunting, Georgina Zee, Sherry Mitchell, Donna Waller, Carol McDowell, Miyoshi Tunnell, Brian Hitchens, Lori Parker, Sam Harvey, Edward Jones, Pat Varina, Hyland Johnson, Jason Coughenow, Kerry Stewart, Laura Burton, Mercedes Veith, Wendy Murray, Kaylynn Gland, Lorrain Cooper, Joyce Green, Katherine Jones, Julie Butters, Nancy Butters, Sherry Abbott, Lori Kelly, Patricia Jennings, Aleni Dennis, Annette Hoffman, Lisa Forney, Stephanie Collins, Bryna Groveston, Lisa Groveston, Greg Groveston, Michelle Roenke, Mike Garvilla, Beth Garvilla, Kerri Stewart, Marco Dobrich, Colleen Hastings, Lloyd Elling, Ted Dwyer, Loretta Ewell, Mary Jane Short, Kevin Cordrey, Jennifer Cordrey, Stephanie Hughes, Margaret Kimmel, Vicki Womer, Debbie O'Neal, Lisa Richardson, Linda Hockman, Carol Buchler, Lorraine Burton, Melissa Swift, Susan Boving, Carol Barch, P. J. Barch, Janet Warrington, Joan Balback, Vanessa Hudson, William Hudson, Judy Hickman, Mary Ellen Whaley, Pamela Webb, David Mitchell, Patrice Pikulsky, Pam Smith, Suzanne Baker, Patti Jo Johnson, Kim Robinson, Laura Curley, Elizabeth Hollyfield, Richard Hunt, Fay Briddell, Sara Baker, Colleen Thayer, Vickie Pendleton, Kathleen Messick, James Barch, Dennis Friedel, Hail Bennett, Haley Davis, Reed Carter, Andy Bokinsky, Luke Saylor, Nate Kortvelesy, D. J. Singleterry, P. J. Barch, Perry Townsend, David Hudson, Karen Saylor, Tonya Rockemann, Tracy Mitchell, Diane Donohue, Taylor Hudson, Colette Spady, Sharon Argo, Barbara White, Liz Steele, Holly Riordan, Allison Vari, Kaitlynne Riordan, R. Tony Wilson, Jamie Basara, K. D. Jackson, Candice Timmons, Jay Fiedler, Kathleen Moore, Donna Mitchell, Shirley Wise, Alan Hudson, April Powell, Sandra Williams, Alex Roenke, Reggie Miller, Howard Gerken, Michael Karr, J. T. Harmon, Charlie Shaeffer

STUDENT GOVERNMENT

There was no report.

PUBLIC COMMENTS

President Walls noted that two minutes per person would be allowed to each speaker this evening.

Bobby Eyre

Mr. Eyre, a member of the Behavior Management Team at Selbyville Middle School, spoke in opposition to reductions in the safety and school climate positions.

Lori Parker

Ms. Parker, Hall Monitor at Selbyville Middle School, spoke of the important role the Behavior Management Team plays in the education of our students. She stated that a safe learning environment is essential for the education of our students.

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Rebecca Mais

Mrs. Mais, a Selbyville Middle School parent, spoke in support of the safety and school climate positions and the programs they provide to our students.

Linda Teplica

Ms. Teplica, Lord Baltimore Elementary School teacher, expressed the importance of the programs provided to our students by the intervention and reading specialists.

Cathy Berzins

Mrs. Berzins, Selbyville Middle School parent, expressed concern about the reduction in the safety and school climate positions. She stated that the programs provided to students through these positions are very important in the education of our students.

Karen Ware

Mrs. Ware, Selbyville Middle School parent, expressed concern about the reduction of positions and suggested that the district contact our legislators for help.

Melissa Berzins

Ms. Berzins, Selbyville Middle School student, expressed concern about the loss of the safety and school climate positions and the affect it might have on the Behavioral Modification and Peer Mediation programs at Selbyville Middle School.

Bishop Roland Mifflin

Bishop Mifflin expressed concern about the safety within our schools with the proposed reductions of positions.

Jane Brock

Mrs. Brock, President of the Secretarial Association, asked that the Board reconsider the decision made last month on the 2005-06 District Calendar, which eliminates the traditional Easter Break.

Bethany/Fenwick Chamber of Commerce Letter

Ms. Hobbs read a letter from the Bethany/Fenwick Chamber of Commerce that strongly opposes a district calendar that would require students to begin school prior to Labor Day.

OLD BUSINESS

Major Capital Improvements

Progress Report

Ted Dwyer gave the following report:

Sussex Central High School

[Mr. Dwyer reported that final surfacing of the track is complete. The fields have been reseeded and over seeding in the common areas has been done.] The gym floor was completed over the Spring Break. The building leaks are being repaired. The music room in Area B has been completed, and the remaining classrooms and corridor are to be completed by May 16. Painting is completed in the shop area. The auditorium is

*Remove from minutes - inaccurate info*

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scheduled to be completed by June 14. The mechanical work on the air handling units is complete and testing and balancing of the systems is ongoing.

Indian River High School

Mr. Dwyer reported that the parking areas are complete and the storm drains are being cleaned. The fields have been graded and surfacing of tennis courts is being completed. Areas A, B, and D are complete. Final inspection of the kitchen is scheduled this week, and the Fire Marshall is scheduled to make final inspection on April 4. Plans are to turn the building over to the district at the end of April and construction trailers will be removed at that time.

School Choice Applications

It was moved by Mr. Bireley, seconded by Dr. Hattier, to approve the School Choice Applications as recommended. The motion passed unanimously (8-0).

District Calendar – 2005-06

It was moved by Mr. Evans, seconded by Dr. Hattier, to rescind the motion made regarding the 2005-06 District Calendar at the March 22, 2005 Board Meeting. The motion passed unanimously (8-0).

President Walls noted that next year's calendar must be submitted to the State by April 30, 2005. He noted that the calendar can be changed with 30 days notice. It was moved by Mr. Bireley, seconded by Mr. Helms, to approve the present calendar we are working under as the 2005-06 District Calendar. The motion passed (7-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Evans, Dr. Hattier, Mr. Helms, Mr. Walls

Against the Motion: Mrs. McCabe

President Walls appointed Mr. Bireley as chairman of a District Calendar Committee and asked that Darlene Johnson be a part of that committee. He asked that the committee come back to the Board next month with other options for next year's calendar.

NEW BUSINESS

Teacher Appreciation Week Proclamation - May 2-6, 2005

It was moved by Mr. Helms, seconded by Mr. Evans, to approve the Teacher Appreciation Week Proclamation – May 2-6, 2005. The motion passed unanimously (8-0).

Child Nutrition Employee Appreciation Week Proclamation - May 2-6, 2005

It was moved by Mr. Bireley, seconded by Mr. Helms, to approve the Child Nutrition Employee Appreciation Week Proclamation – May 2-6, 2005. The motion passed unanimously (8-0).

School Nurses' Day Proclamation - May 11, 2005

It was moved by Mr. Helms, seconded by Mrs. McCabe, to approve the School Nurses' Day Proclamation – May 11, 2005. The motion passed unanimously (8-0).



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A break was taken from 8:30 – 8:40 p.m.

COMMITTEE REPORTS AND APPOINTMENTS

Administrative Compensation Committee

There was no report.

Buildings & Grounds Committee

Mr. Weer reported that the Buildings & Grounds Committee met on April 18, 2005. The committee reviewed the progress of Sussex Central and Indian River High Schools. They reviewed the upcoming renovation projects at Georgetown Middle School, East Millsboro and Lord Baltimore Elementary Schools. They also reviewed the Major Cap Payment Voucher Authorizations, the Major Cap Final Payment Authorizations, Major Cap Change Orders, Lord Baltimore Renovations bid, and the East Millsboro and Lord Baltimore Asbestos Removal bids that will be discussed later this evening.

Curriculum Committee

There was no report.

DSBA Board of Directors Representative

Mrs. Bunting reported that she attended a two-day retreat this month on hiring and retaining teachers.

DSBA Legislative Committee

Mr. Bireley reported that he would be attending the DSBA Legislative Committee Meeting on April 27, 2005. A topic of discussion will be the full day kindergarten program. He asked the Board's feeling about raising taxes to fund the all day kindergarten program. It was moved by Mr. Cohee, seconded by Mrs. Bunting, to oppose any initiatives to raise taxes for the purpose of funding a full day kindergarten program. The motion passed unanimously (8-0).

Finance Committee

Mr. Evans reported that the Finance Committee met on April 12 and the topics discussed will be handled under the Financial Section later this evening. The next meeting will be held on May 10, 2005.

Mary Bailey Scholarship Committee

Mr. Cohee requested that the Board allow the Mary Bailey Scholarship Committee to submit the names of the scholarship recipients to Mellon Bank since the deadline is prior to the next Board meeting. It was moved by Mr. Helms, seconded by Mrs. McCabe, to allow the Mary Bailey Scholarship Committee to submit the names as requested. The motion passed unanimously (8-0).

Negotiations Committee

There was no report.

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### Policy Committee

President Walls reported that the Policy Committee met on April 25 and reviewed several policies. There will be first readings of these policies on next month's agenda.

### Superintendent Search Committee

Dr. Owens reported that the first meeting of the Superintendent Search Committee has been scheduled for Monday evening, May 16, 2005. The meeting will be held at 7:00 p.m. at the Sussex Central Middle School.

### IREA Representative

Darlene Johnson, on behalf of the IREA, expressed appreciation for the change made this evening in the 2005-06 District Calendar.

## ADMINISTRATIVE REPORTS

### Mrs. Hobbs, Board Update

#### School Visits

Ms. Hobbs informed the Board that Jim DeBastiani was selected as Indian River School District's 2005-06 Teacher of the Year at a lovely banquet held on April 21, 2005. Lisa Hunt, Counselor at Long Neck Elementary School, has been selected as State Counselor of the Year. Mary Jane Short, teacher at Long Neck Elementary School, has received the Presidential Award for Excellence in the Teaching of Mathematics. Sussex Central Middle School and Selbyville Middle School received the Superstars in Education Award for the "Meet the Challenge" Program. Also, Selbyville Middle School has been nominated for the Lt. Governor's Models of Excellence in Education Award. She stated she is very proud of the staff and students of the Indian River School District.

### Curriculum Update

The Curriculum Update for the month of April was included in the Board Packet.

### District Calendar Changes

Ms. Hobbs informed the Board of the following district calendar changes:

- (1) Selbyville Middle School Sixth & Seventh Grade Recognition Programs from May 23<sup>rd</sup> and June 2<sup>nd</sup> to June 6<sup>th</sup>
- (2) Selbyville Middle School Eighth Grade Recognition Program from June 6<sup>th</sup> to June 14<sup>th</sup>

## FINANCIAL

### Regular Invoices

It was moved by Mr. Helms, seconded by Mr. Cohee, to approve the payment of the Regular Invoices. The motion passed unanimously (8-0).

### Financial Summaries

Mr. Miller reviewed the Financial Summaries for the period ending March 31, 2005.

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Major Cap Financial Summaries

Mr. Miller reviewed the Major Cap Financial Summaries for the period ending March 31, 2005.

Major Cap Change Orders

Mr. Miller reviewed the Major Cap Change Orders dated April 20 and April 26, 2005. It was moved by Mr. Evans, seconded by Dr. Hattier, to approve the Major Cap Change Orders dated April 20 in the amount of \$169,192 and April 26, 2005 in the amount of \$62,203. The motion passed unanimously (8-0).

Major Cap Payment Voucher Authorizations

Mr. Miller reviewed the Major Capital Improvement Payment Authorizations dated April 20 and April 26, 2005. It was moved by Mr. Cohee, seconded by Mr. Bireley, to approve the Major Capital Improvement Payment Authorizations dated April 20, 2005 in the amount of \$785,424.97 and April 26, 2005 in the amount of \$67,228.45. The motion passed unanimously (8-0).

Major Cap Final Payment Authorization

Custom Iron Shop, Inc. and ESSBAR Equipment Co., Inc.

Mr. Miller submitted the Final Payment Authorizations for Custom Iron Shop, Inc. and ESSBAR Equipment Co., Inc. and recommended approval of the final payments to both of these firms. It was moved by Mr. Evans, seconded by Dr. Hattier to approve the final payments to both Custom Iron Shop, Inc. and ESSBAR Equipment Co., Inc. as recommended. The motion passed unanimously (8-0).

Financial Position Report

Mr. Miller reviewed and recommended approval of the Indian River School District Financial Position Report. It was moved by Dr. Hattier, seconded by Mr. Cohee, to approve the Indian River School District Financial Position Report. The motion passed unanimously (8-0).

Budget Reduction Efforts

Mr. Evans informed the Board that the Finance Committee is continuing to review district finances to determine areas where budget adjustments can be made. Mr. Miller reviewed the budget adjustments previously endorsed by the Board. He then reviewed the Finance Committee's Potential Action List, which will produce additional savings. He also reviewed the match tax funding options for educational technology and extra time programs for students in grades K-12. After much discussion regarding the budget reductions, it was moved by Mr. Evans, seconded by Dr. Hattier, to approve the Finance Committee's Potential Action List of 11 recommendations that will generate additional adjustments. The motion passed unanimously (8-0).

It was moved by Mr. Evans, seconded by Mr. Bireley, to approve the Loan Analysis and Recommendation as submitted. The motion passed unanimously (8-0).

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Senior Citizen Discount and Education Tax Relief Discount

Mr. Miller reviewed the tax relief options for the Senior Citizen and Education Tax Relief Discounts. It was moved by Mr. Evans, seconded by Mr. Bireley, to discontinue both the Senior Citizen Discount and the Education Tax Relief Discount. The motion passed unanimously (8-0).

FY'06 Revenue Projections

Mr. Miller submitted the FY'06 Revenue Projections for Indian River School District and Howard T. Ennis School. These will be submitted next month for Board action.

Bid No. 36-05-03 Summer Migrant Program Bus Contractors and Bid No. 36-05-04 Summer Bridges Program Bus Contractors

It was moved by Mr. Bireley, seconded by Dr. Hattier, to award Bid No. 36-05-03 Summer Migrant Program Bus Contractors and Bid No. 36-05-04 Summer Bridges Program Bus Contractors to the low bidders as recommended. The motion passed unanimously (8-0).

Bid No. 36-05-05 Lord Baltimore Renovations

Ted Dwyer of EDiS informed the Board that the bids for the Lord Baltimore Renovations were \$1,593,148 or 25% over budget. He recommended that all bids for the Lord Baltimore Renovations be rejected, that appropriate modifications be made, and that the projects be re-bid. There was some discussion regarding this, noting the impact this could have on the timelines and schedules of future projects. It was also noted that when building the high schools, the Board chose to make those projects top priority. It was moved by Mr. Bireley, seconded by Dr. Hattier, that the Board continue its efforts of making our buildings and renovations projects a top priority and that Bid No 36-05-05 Lord Baltimore Renovations be awarded even though it is over budget by \$1,593,148. He stated that this not only applies to the Lord Baltimore project, but to all of our future building and renovation projects through the completion of the John M. Clayton building, also noting that what is done for one would be done for all. The motion passed unanimously (8-0).

Bid No. 36-05-08 East Millsboro Asbestos Removal and Bid No. 36-05-09 Lord Baltimore Asbestos Removal

It was moved by Mr. Bireley, seconded by Mr. Evans, to award Bid No. 36-05-08 East Millsboro Asbestos Removal to the low bidder, S & S Environmental in the amount of \$56,000.00 and Bid No. 36-05-09 Lord Baltimore Asbestos Removal to the low bidder, S & S Environmental in the amount of \$123,000.00. The motion passed unanimously (8-0).

COMMUNICATIONS

Conference Requests (None)

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Use of Facilities

Ms. Hobbs recommended approval of the following Use of Facilities requests:

Use of Southern Delaware School of the Arts Auditorium by God's Family Life Worship Center – April 16, 2005

Use of John M. Clayton School Cafeteria & Auditorium by High Tide Baptist Church – Sundays while renovations are taking place at Lord Baltimore Elementary School

It was moved by Mr. Bireley, seconded by Mr. Helms, to approve the Use of Facilities' requests as recommended by the superintendent. The motion passed unanimously (8-0).

Correspondence

Thank you note from John Evans

Ms. Hobbs shared a thank you note from Mr. Evans for the flowers that were sent to his family in memory of his father-in-law.

Letter from Anne Devine

Ms. Hobbs shared a letter from Anne Devine expressing her opposition to the elimination of the Easter/Spring Break from the 2005-06 District Calendar.

Field Trips

Day trip by Indian River High School 12<sup>th</sup> Grade Anatomy & Physiology Class – May 17, 2005 to Baltimore, MD

Day trip by Selbyville Middle School Sixth Grade RAD Team – June 1, 2005 to Baltimore, MD.

Day trip by Sussex Central Middle School Student Council – June 15, 2005 to Baltimore, MD

Day trip by Lord Baltimore Elementary School, 4<sup>th</sup> Grade Team – June 10, 2005 to Chadds Ford, PA

Overnight trip by Sussex Central Middle School Unified Softball Team – June 10-11, 2005 to Newark, DE

Ms. Hobbs recommended approval of the five field trip requests. It was moved by Dr. Hattier, seconded by Mr. Evans, to approve the superintendent's recommendation. The motion passed (7-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Evans, Dr. Hattier, Mr. Helms, Mr. Walls

Abstained: Mrs. McCabe

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### STAFF

Principal Interviews, Personnel Agenda, Personnel Addendum, Staff Reductions, Contract Renewals, and Twelve Month Employees Compensation

It was moved by Mr. Helms, seconded by Dr. Hattier, to table Principal Interviews, Personnel Agenda, Personnel Addendum, Staff Reductions, Contract Renewals, and Twelve Month Employees Compensation until after Executive Session. The motion passed unanimously (8-0).

### PUBLIC COMMENTS

#### Patrice Pikulsky

Mrs. Pikulsky, a Selbyville Middle School parent, expressed concern about the loss of disciplinary positions at Selbyville Middle School. She expressed disappointment in making cuts in a program that has been successful in decreasing the number of discipline referrals. She stated that Selbyville Middle School PTO will contact state legislators.

### EXECUTIVE SESSION

It was moved by Mr. Cohee, seconded by Mr. Helms, to go into Executive Session at 10:50 p.m. The motion passed unanimously (8-0).

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- B. Strategy Session: To discuss collective bargaining, pending or potential litigation.
- C. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
- D. Such other business as may properly be discussed in an executive session.

### RECONVENE

It was moved by Mr. Cohee, seconded by Dr. Hattier, to reconvene in Regular Session at 11:30 p.m. The motion passed unanimously (8-0).

### CONSIDERATION OF AGENDA ITEMS DEFERRED

#### Principal Interviews

It was moved by Mr. Evans, seconded by Mr. Cohee, to approve Candidate No. 1 as the Principal at the Southern Delaware School of the Arts. The motion passed (7-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Evans, Dr. Hattier, Mr. Helms, Mr. Walls

Against the Motion: Mrs. McCabe

#### Personnel Agenda and Personnel Addendum

It was moved by Mr. Cohee, seconded by Dr. Hattier, to approve the Personnel Agenda and Personnel Addendum. The motion passed unanimously (8-0).

#### Staff Reductions

There was no discussion

#### Contract Renewals

There was no discussion.

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Twelve Month Employees

There was no discussion.

STUDENT HEARINGS

Student No. 05-55, Student No. 05-56, Student No. 05-57, Student No. 05-58

Student No. 05-59, Student No. 05-60, Student No. 05-62

It was moved by Mr. Evans, seconded by Dr. Hattier, to approve the Hearing Officers' Recommendations regarding Student No. 05-55, Student No. 05-56, Student No. 05-57, Student No. 05-58, Student No. 05-59, Student No. 05-60, and Student No. 05-62.

The motion passed (7-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Evans, Dr. Hattier, Mr. Helms, Mrs. McCabe, Mr. Walls

Abstained: Mr. Cohee

ADJOURNMENT

It was moved by Dr. Hattier, seconded by Mr. Bireley, to adjourn the meeting at 11:35 p.m. The motion passed unanimously (8-0).

Respectfully submitted,



(Ms.) Lois M. Hobbs  
Secretary and Superintendent  
Board of Education  
Indian River School District

Harvey L. Walls  
President  
Board of Education  
Indian River School District

HLW/LMH:jlh

BPD 000301

# EXHIBIT 41



INDIAN RIVER SCHOOL DISTRICT  
BOARD OF EDUCATION REGULAR MEETING  
TUESDAY, SEPTEMBER 28, 2004 – 6:30 P.M.  
NORTH GEORGETOWN ELEMENTARY SCHOOL CAFETERIA

MINUTES

CALL TO ORDER

President Harvey L. Walls called the Regular Meeting of the Indian River School District Board of Education to order at 6:30 p.m.

ROLL CALL

Board Members Present: Charles M. Bireley, (Mrs.) Nina Lou Bunting, Richard H. Cohee, John M. Evans, Gregory A. Hastings, Donald G. Hattier, Reginald L. Helms, (Mrs.) Elaine McCabe, Harvey L. Walls  
Board Member Late: Mark A. Isaacs (7:05 p.m.)

APPROVAL OF AGENDA - Regular and Executive - September 28, 2004

The following items were added to the Regular Agenda and Executive Session Agenda:

Regular Agenda

X.A.2. Sussex Central High School Athletic Permission Form

X.V.D.3. Day trip by East Millsboro Elementary School Third Grade to PA

Executive Session

I.C. No. 05-03 PL

It was moved by Mr. Helms, seconded by Mr. Evans, to approve the Regular Agenda and Executive Session Agenda as amended. The motion passed unanimously (9-0).

EXECUTIVE SESSION (Approximate time 6:30 – 7:15 p.m.)

It was moved by Mr. Helms, seconded by Dr. Hattier, to go into Executive Session at 6:35 p.m. The motion passed unanimously (9-0).

A. Strategy Session: To discuss collective bargaining, pending or potential litigation.

RECONVENE (Regular Session – 7:30 p.m.)

It was moved by Mr. Hastings, seconded by Dr. Hattier, to reconvene in Regular Session at 7:29 p.m. The motion passed unanimously (10-0).

President Walls informed the audience that the Board began its meeting this evening at 6:30 p.m. He then reviewed the items that were added to the agenda at that time.

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PRESENTATION OF COLORS

The Presentation of Colors was performed by the Sussex Central High School Army JROTC.

President Walls stated that it has been the history and custom of the Indian River School District Board of Education to open its meetings with a prayer. He noted that the prayer is voluntary and among the members of the Board. He then asked Dr. Hattier to give an invocation.

APPROVAL OF MINUTES

Board of Education Special Meeting Minutes – August 23, 2004

Board of Education Regular Meeting Minutes – August 24, 2004

It was moved by Mr. Evans, seconded by Mrs. McCabe, to approve the minutes as recorded. The motion passed unanimously (10-0).

VISITORS AND STAFF IN ATTENDANCE

President Walls and Ms. Hobbs recognized and presented certificates to the following for their accomplishments:

Community/School Partnerships

Mountaire of Delmarva - Phil Owen

Ken Hudson - Finance Committee Work

MBNA Grants

Gwen Graefe, Patricia Murrell, Lorraine Tyler, Pam George (HE)

“Awakening Technology”

Kathleen Bryan (LN)

“Read to Me at Long Neck”

Jeanine Moore (LN)

“Hand’s-on Social Studies”

Tara Blitz (GE)

“Reaching for Math and Science Success”

Lesia Jones (GE)

“Improving Learning by Using Literature”

Brice Reed (GE)

“After School All Stars for LEP Students”

2004-05 Fellows in the Teachers Network Policy Institute of Delaware

Gemma Cabrera (GE)

Denise Snyder (EM)

Lorraine Caputo (SS)

Presidential Award in Math State Finalist

Mary Jane Short (LN)

Nova Johnson and Jessica Vargas – Mentoring Coordinators

AmeriCorps/VISTA Program

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OTHER VISITORS AND STAFF IN ATTENDANCE

Lois Hobbs, Earl Savage, Janet Hearn, Mike Owens, Patrick Miller, Susan Bunting, Jay Headman, Carmen Deldeo, Denise Speicher, Cathy Miller, Charles Hudson, Greg Weer, John Mitchell, Dave Maull, Darlene St. Peter, Sharon Brittingham, Mark Steele, Vince Catania, James Hudson, Char Hopkins, Donna Hall, Tim Fannin, Janet Hickman, Ivan Neal, Jacque Wisnauskas, Mary Bixler, Lesia Jones, Mike Williams, Roxann Moore, Mona Dobrich, Hyland Johnson, Darlene Johnson, Doug McIlvaine, David Shugard, Maureen Nicholson, Rhonda Morgan, Lisa Smith, Darrell Neale, Carol Buchler, Kenny Short, Lana Short, Mary Jane Short, Jonathan Casto, Quinton Buckley, Billie Jo Lanning, Glenn Anderson, Phil Owen, Ken Hudson, Sara Russell, Sam Harvey, Pat Varire, Jane Hovington, Steve Cardano, Jeanine Moore, Lorraine Caputo, Gerald Bryan, Kathleen Bryan, Jerry Fike

PUBLIC COMMENTS

Dr. Donald Hattier

Dr. Hattier thanked the administration for their work in organizing a plan to successfully handle the large number of persons in attendance at last month's Board Meeting.

OLD BUSINESS

Major Capital Improvements

Progress Report

Renovations Projects

Mr. Weer reported that the planning and design stages of the renovations projects for Georgetown Middle, Lord Baltimore, and East Millsboro Elementary Schools have begun. Plans are to put this work out to bid after the first of the year.

Sussex Central High School

Mr. Dwyer reported that Wings A, C, D, E, and F are occupied at Sussex Central High School. The fields are graded and should be finished by the end of October.

Indian River High School

Mr. Dwyer reported that work is moving along at Indian River High School. They have begun to hang drywall in the administrative wing. Buildings & Grounds Meetings will be held there on October 11 and November 1, 2004.

Sussex Central High School Athletic Shuttle Permission Form

Ms. Hobbs shared a draft athletic permission form prepared by Mr. Griffin. Although Mr. Griffin indicated that the form was not necessary, Ms. Hobbs recommended that the Athletic Shuttle Permission Form be used at Sussex Central High School. This would provide a record of the students who were driving their own vehicles. It was moved by Mr. Cohee, seconded by Mr. Hastings, to approve the superintendent's recommendation. The motion passed unanimously (10-0).

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School Choice Applications

It was moved by Dr. Hattier, seconded by Mr. Hastings, to approve the School Choice Applications as recommended. The motion passed unanimously (10-0).

Legislative Priorities – 2004-05

Ms. Hobbs shared the draft list of Legislative Priorities for the 2004-05 school year. She added the following to the list: Increase ELL Funding and Increase State Technology Funding. There was no objection from the Board regarding the list. She noted that the list would be sent to DSBA and to the Department of Education.

Ingram Pond Summer Science Camps

Doug McIlvaine and Steve Cardano gave a presentation on the Summer Science Camps that were held at Ingram Pond this past summer.

NEW BUSINESS

Resolutions

National School Lunch Week – October 11-15, 2004

It was moved by Mr. Evans, seconded by Mr. Bireley, to approve the resolution for National School Lunch Week – October 11-15, 2004. The motion passed unanimously (10-0).

National School Bus Safety Week – October 18-22, 2004

It was moved by Dr. Isaacs, seconded by Mr. Bireley, to approve the resolution for National School Bus Safety Week – October 18-22, 2004. The motion passed unanimously (10-0).

COMMITTEE REPORTS AND APPOINTMENTS

Buildings & Grounds Committee

Opening of new Indian River High School

Mr. Weer reported that a physical walk-through was done at Indian River High School on September 13, 2004. Another walk-through will be done on October 11, 2004 prior to the Buildings & Grounds meeting. Concern was expressed regarding the completion of work in the administrative wing. The situation will be reviewed at the October 11<sup>th</sup> meeting.

Transformers at IREC

Mr. Weer informed the Board that there are six transformers at the Indian River Educational Complex that must be replaced. This will cost between \$12,000 and \$20,000. The Buildings and Grounds Committee has reviewed the information and recommends approval of the replacement of the transformers. It was moved by Dr. Hattier, seconded by Mr. Cohee, to approve the replacement of the transformers at the Indian River Educational Complex. The motion passed unanimously (10-0).

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Ingram Pond

Mr. Weer shared with the Board a plan to weatherize the wind shelters at Ingram Pond, noting that the funds would be taken from the Ingram Pond Timber fund. The Buildings & Grounds Committee has reviewed the plan and recommends approval. It was moved by Mr. Cohee, seconded by Dr. Hattier, to approve the plan as recommended. The motion passed unanimously (10-0).

Aqua Science at IRHS

Mr. Weer explained the sketch of the Aqua Science Center at Indian River High School. He noted that the Buildings & Grounds Committee reviewed the sketch and recommends approval. It was moved by Mrs. McCabe, seconded by Dr. Isaacs, to approve the sketch for the Indian River Aqua Science Center as recommended. The motion passed unanimously (10-0).

Mr. Hastings noted that the Buildings & Grounds Committee Meetings on October 11, 2004, November 1, 2004 and January 10, 2005 would be held at the Indian River High School site.

Curriculum Committee

Mrs. McCabe reported that the Curriculum Committee met on September 23, 2004. Topics discussed included Academic Challenge and Pathways at the high schools. Due to schedule conflicts, no meeting will be held in October.

DSBA Board of Directors Representative

Mrs. Bunting attended the DSBA Board of Directors Meeting on September 8, 2004. She noted the minutes were included in the Board Packet. She congratulated Charles Bireley for receiving the DSBA Distinguished Service Award. She noted that at the meeting discussions were held regarding the importance of board members visiting schools, policies for making buildings secure, and policies for make-up work for students attending Truancy Court.

DSBA Legislative Committee

Mr. Bireley reported that the DSBA Legislative Committee would meet on September 29, 2004.

Finance Committee

Mr. Evans reported that the Finance Committee did not meet in September. The next meeting will be held on October 12, 2004 at 7:00 p.m. at the Indian River Educational Complex.

Mary Bailey Scholarship Committee

There was no report.

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Negotiations Committee

There was no report.

Policy Committee

1<sup>st</sup> Reading

BDA.1 Board Prayer at Regular Board Meetings

Mr. Walls submitted Policy BDA.1 Board Prayer at Regular Board Meetings for a first reading.

IKA Grading Systems

Mr. Walls submitted Policy IKA Grading Systems for a first reading.

IN.1 Religion

Mr. Walls submitted Policy IN.1 Religion for a first reading. He noted that this policy was very similar to Capital School District's policy.

IND School Prayer at Commencement/Graduation and Baccalaureate Ceremonies

Mr. Walls informed the Board that several changes were made to Policy IND Prayer at Commencement/Graduation and Baccalaureate Ceremonies. Therefore, it is being submitted as a first reading again this evening.

Mr. Walls also noted that the Policy Committee would not meet in October. Please contact him with any changes to the above policies.

IREA Representative

There was no report.

ADMINISTRATIVE REPORTS

Mrs. Hobbs, Board Update

School Visits

Ms. Hobbs reported that she had visited several schools and found students and staff on task. She will be making "Superior" Banner and "Commendable" Plaque presentations to buildings over the next few weeks. She also thanked Dr. Hall, the staff members, and students at Sussex Central High School for their positive attitudes during the move into the new high school.

Curriculum Update

The Curriculum Update for the month of September was included in the Board Packet.

Elementary Class Size Report

Ms. Hobbs shared the Elementary Class Size Report with the Board. Concern was raised about the difference in the class sizes at North Georgetown and Georgetown Elementary Schools. Concern was also expressed about the fifth grade class sizes. Ms. Hobbs noted that she would take these concerns under consideration when determining additional positions based on the September 30th enrollment count.

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DSBA Distinguished Service Award – Charles Bireley

Ms. Hobbs congratulated Charles Bireley for receiving the DSBA Distinguished Service Award. Mr. Bireley has served as a Board member for 27 years. He was recognized for this honor at DSBA's Annual Meeting on September 22, 2004.

NCLB Blue Ribbon School Award – Frankford Elementary School

Ms. Hobbs informed the Board that Frankford Elementary School received the NCLB Blue Ribbon School Award. A celebration will be held during National Education Week.

Board Meetings at Sussex Central High School

Ms. Hobbs reminded Board members that beginning in November, the Board Meetings would be held at Sussex Central High School.

Reminder – October Board Meeting – Tuesday, October 19, 2004

Ms. Hobbs reminded the Board that the October meeting would be held on October 19, 2004 because of the State Teacher of the Year Banquet being held on October 26, 2004.

State Teacher of the Year Banquet – Tuesday, October 26, 2004

Ms. Hobbs reminded the Board that the State Teacher of the Year Banquet would be held on October 26, 2004. Please let Mrs. Hearn know if you plan to attend.

FINANCIAL

Regular Invoices

It was moved by Mr. Cohee, seconded by Mr. Evans, to approve the payment of Regular Invoices. The motion passed unanimously (10-0).

Financial Summaries

Mr. Miller reviewed the Financial Summaries for the period ending August 31, 2004.

Major Cap Financial Summaries

Mr. Miller reviewed the Major Cap Financial Summaries for the period ending August 31, 2004.

Major Cap Change Orders

It was moved by Mr. Bireley, seconded by Dr. Hattier, to approve the Major Cap Change Orders in the amount of \$318,616 for architectural fees involving Frankford and East Millsboro Elementary Schools. The motion passed unanimously (10-0).

COMMUNICATIONS

Conference Requests (None)

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Use of Facilities

Use of Long Neck Elementary School by Delaware Manufactured Home Owners Association – Saturday, October 2, 2004 from 9:30 a.m. to 12:30 p.m.

Use of Long Neck Elementary School by Harmony U. M. Church – Saturday, October 9, 2004 from 4:00 p.m. to 10:00 p.m.

Use of Lord Baltimore Elementary School Gym by Youth Group of Mariner's Bethel U. M. Church – 10/24/04, 11/21/04, 12/19/04, 1/23/05, 2/27/05, 3/20/05, and 4/24/05 from 6:30 – 8:30 p.m.

Use of Southern Delaware School of the Arts Gym by Trinity Holyness Church - Friday, November 12, 2004 from 5:00 – 9:00 p.m. and Saturday, November 13, 2004 from 8:30 a.m. to 5:30 p.m.

Use of Long Neck Elementary School Cafeteria by New Life Bible Fellowship Church – Tuesday evenings beginning October 5, 2004 through May 30, 2005

Ms. Hobbs recommended approval of the five Use of Facilities requests. It was moved by Mr. Bireley, seconded by Dr. Isaacs, to approve the superintendent's recommendation to approve the requests. The motion passed unanimously (10-0).

Correspondence

Thank you note from Mike Kline

Ms. Hobbs shared a thank you note from Mike Kline for cards, gifts, and support during the last few months.

Field Trips

Sunday trip by Indian River High School LEO Club – October 17, 2004 to Dover, DE

Day trip by Frankford Elementary School 3<sup>rd</sup> Grade – October 26, 2004 to Philadelphia, PA

Day trip by East Millsboro Elementary School 3<sup>rd</sup> Grade – November 5, 2004 to Philadelphia, PA

Ms. Hobbs recommended approval of the three field trip requests. It was moved by Dr. Hattier, seconded by Mr. Evans, to approve the superintendent's recommendation. The motion passed (9-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms, Dr. Isaacs, Mr. Walls

Abstained: Mrs. McCabe



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STAFF

Personnel Agenda, Personnel Addendum, Employee No. 05-03 PER

It was moved by Mr. Bireley, seconded by Dr. Hattier, to table Personnel Agenda, Personnel Addendum, and Employee No. 05-03 PER until after Executive Session. The motion passed unanimously (10-0).

PUBLIC COMMENTS

Jerry Fike

Rev. Fike thanked the Board for continuing to have a prayer at the beginning of the Board Meeting. He also expressed his apology to Mona Dobrich for any comments he made during his prayer at Sussex Central High School's graduation ceremonies that offended her.

EXECUTIVE SESSION

It was moved by Dr. Isaacs, seconded by Mr. Evans, to go into Executive Session at 8:50 p.m. The motion passed unanimously (10-0).

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- B. Strategy Session: To discuss collective bargaining, pending or potential litigation.
- C. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
- D. Such other business as may properly be discussed in an executive session.

RECONVENE

It was moved by Dr. Isaacs, seconded by Dr. Hattier, to reconvene in Regular Session at 11:42 p.m. The motion passed unanimously (10-0).

CONSIDERATION OF AGENDA ITEMS DEFERRED

Personnel Agenda

It was moved by Mr. Bireley, seconded by Dr. Isaacs, to approve the Personnel Agenda excluding the candidate for the position of Temporary Part-time Paraprofessional at North Georgetown Elementary School. The motion passed unanimously (10-0).

It was moved by Mr. Bireley, seconded by Dr. Isaacs, to approve the candidate for the Temporary Part-time Paraprofessional position at North Georgetown Elementary School. The motion passed (9-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms, Dr. Isaacs, Mrs. McCabe, Mr. Walls

Abstained: Mr. Cohee

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Personnel Addendum

It was moved by Mr. Bireley, seconded by Mr. Cohee, to approve the candidate's Family Medical Leave at Selbyville Middle School. The motion passed unanimously (10-0).

It was moved by Mr. Evans, seconded by Dr. Hattier, to approve the candidate for the Secretary's position at Sussex Central High School. The motion passed (6-4).

For the Motion: Mr. Evans, Mr. Hastings, Dr. Hattier, Dr. Isaacs, Mrs. McCabe, Mr. Walls

Against the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Helms

It was moved by Mr. Cohee, seconded by Mrs. McCabe, to approve the transfer of the Fireman Custodian from Long Neck to Georgetown Middle School. The motion passed (9-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Mr. Cohee, Mr. Evans, Mr. Hastings, Dr. Hattier, Mr. Helms, Mrs. McCabe, Mr. Walls

Against the Motion: Dr. Isaacs

STUDENT HEARINGS

Student No. 04-08 and Student No. 05-01

It was moved by Dr. Isaacs, seconded by Mrs. Bunting, to approve the Hearing Officers' recommendations on Student No. 04-08 and Student No. 05-01. The motion passed unanimously (10-0).

PENDING OR POTENTIAL LITIGATION

No. 05-01 PL

Mr. Helms made a motion, seconded by Dr. Isaacs, that the Board secure legal counsel regarding potential litigation No. 05-01 PL. The motion passed unanimously (10-0).

No. 05-03 PL

It was moved by Mr. Helms, seconded by Dr. Isaacs, to empower the superintendent along with the approval of the Board President and the Chairman of the Buildings & Grounds Committee to implement a plan dealing with potential litigation No. 05-03 PL. The motion passed unanimously (10-0).

ADJOURNMENT

It was moved by Mr. Bireley, seconded by Mr. Cohee, to adjourn the meeting at 11:51 p.m. The motion passed unanimously (10-0).

Respectfully submitted,



(Ms.) Lois M. Hobbs  
Secretary and Superintendent  
Board of Education  
Indian River School District

Harvey L. Walls  
President  
Board of Education  
Indian River School District

HLW/LMH:jlh

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